



STATE OF  
WASHINGTON

LIQUOR CONTROL BOARD  
INTER-OFFICE  
CORRESPONDENCE

*Shirley Birkett*  
DISTRICT

Olympia

Date: March 2, 1989

Mr. Hannah  
Mr. Murphy  
C. Mitchell

To: Paula C. O'Connor, Chairman  
From: Jan Britt, Supervisor, MIW Division  
Subject: Price Posting Information

*Jan B.*

I thought you might wish to review the attached information prior to our March 14th Board briefing regarding price postings.

The statutory authority for price postings is found in RCW 66.28.190, a copy of which is attached. It is my understanding in reviewing the statute that even if the Board eliminated the price posting rules, we would still need to somehow review and approve prices at which suppliers (breweries, wineries and importers) sell their products to wholesalers in the state and the prices at which wholesalers sell their products to retailers in the state.

WAC 314-24-190 and WAC 314-24-200 regulate wine price postings.

WAC 314-20-100 and WAC 314-20-105 regulate beer price postings.

In the fall of 1987, I submitted an affidavit specifically about price postings on behalf of the Board in the Costco lawsuit. A copy of that is attached. This affidavit describes in detail the actual procedure currently in progress in the Board's MIW Division as regards to price postings. Some of the MIW personnel have changed since the affidavit, and those changes have been noted.

At the current time, I am expecting a programmer to be assigned from the Financial Division in mid March. We are looking forward to having a programmer work on marrying-up our price posting program with our supplier appointment review program and the product label approval program. I believe these three programs are ripe for automation which should, eventually, reduce the workload and expedite the processing and approval of beer and wine prices.

I have also attached a memorandum from Shirley Birkett regarding some of the history of the price posting regulations with the Board.

In May of 1985, I did a survey of the industry asking if they would like a shorter or longer effective period for price postings. A copy of those survey results are attached.

I hope this information will give you some background regarding price postings. Shirley Birkett and I will both be at the briefing session on the 14th to answer any questions you may have.

JB:mg:5.234

Attachments

DEP EXHIBIT 113  
CANTO  
NOTARY PUBLIC

6-2705

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PLAINTIFF'S  
EXHIBIT

CASE  
NO. CV04-0360P

EXHIBIT  
NO. 079

[1982 c 39 § 2; 1961 c 36 § 1; 1933 ex.s. c 62 § 44; RRS § 7306-44.]

**Severability**—1982 c 39: See note following RCW 66.04.010.

**RCW 66.28.130 Selling or serving of liquor to or consumption by standing or walking person.** It shall not be unlawful for a retail licensee whose premises are open to the general public to sell, supply or serve liquor to a person for consumption on the licensed retail premises if said person is standing or walking, nor shall it be unlawful for such licensee to permit any said person so standing or walking to consume liquor on such premises: *Provided however*, That the retail licensee of such a premises may at his discretion, promulgate a house rule that no person shall be served nor allowed to consume liquor unless said person is seated. [1969 ex.s. c 112 § 2.]

**RCW 66.28.140 Removing family wine from home for exhibition or use at wine tastings or competitions—Conditions.** (1) An adult member of a household may remove family wine from the home for exhibition or use at organized wine tastings or competitions, subject to the following conditions:

(a) The quantity removed by a producer for these purposes is limited to a quantity not exceeding one gallon;

(b) Family wine is not removed for sale or for the use of any person other than the producer. This subparagraph does not preclude any necessary tasting of the wine when the exhibition or wine tasting includes judging the merits of the wine by judges who have been selected by the organization sponsoring the affair; and

(c) When the display contest or judging purpose has been served, any remaining portion of the sample is returned to the family premises from which removed.

(2) As used in this section, "family wine" means wine manufactured in the home for consumption therein, and not for sale. [1981 c 255 § 2.]

**RCW 66.28.150 Breweries, wineries, and wholesalers authorized to conduct courses of instruction on beer and wine.** A brewery, winery, or wholesaler may, without charge, instruct licensees and their employees, or conduct courses of instruction for licensees and their employees, on the subject of beer or wine, including but not limited to, the history, nature, values, and characteristics of beer or wine, the use of wine lists, and the methods of presenting, serving, storing, and handling beer or wine. The brewery, winery, or wholesaler may furnish beer or wine and such other equipment, materials, and utensils as may be required for use in connection with the instruction or courses of instruction. The instruction or courses of instruction may be given at the premises of the brewery, winery, or wholesaler, at the premises of a retail licensee, or elsewhere. [1982 1st ex.s. c 26 § 1.]

**RCW 66.28.155 Breweries, wineries, wholesalers, or agents authorized to conduct educational activities on licensed premises of retailer.** A brewery, winery, wholesaler, or its licensed agent may conduct educational

activities or provide product information to the consumer on the licensed premises of a retailer. Information on the subject of wine or beer, including but not limited to, the history, nature, quality, and characteristics of a wine or beer, methods of harvest, production, storage, handling, and distribution of a wine or beer, and the general development of the wine and beer industry may be provided by a brewery, winery, wholesaler, or its licensed agent to the public on the licensed premises of a retailer. The retailer requesting such activity shall attempt to schedule a series of brewery, winery, and wholesaler appearances in an effort to equitably represent the industries. Nothing in this section permits a brewery, winery, wholesaler, or its licensed agent to receive compensation or financial benefit from the educational activities or product information presented on the licensed premises of a retailer. The promotional value of such educational activities or product information shall not be considered advancement of moneys or of moneys' worth within the meaning of RCW 66.28.010. [1984 c 196 § 1.]

**RCW 66.28.160 Promotion of liquor at colleges and universities.** No liquor manufacturer, importer, wholesaler, retailer, agent thereof, or campus representative of any of the foregoing, may conduct promotional activities for any liquor product on the campus of any college or university nor may any such entities engage in activities that facilitate or promote the consumption of alcoholic beverages by the students of the college or university at which the activity takes place. This section does not prohibit the following:

(1) The sale of alcoholic beverages, by retail licensees on their licensed premises, to persons of legal age and condition to consume alcoholic beverages;

(2) Sponsorship of broadcasting services for events on a college or university campus;

(3) Liquor advertising in campus publications; or

(4) Financial assistance to an activity and acknowledgment of the source of the assistance, if the assistance, activity, and acknowledgment are each approved by the college or university administration. [1985 c 352 § 20.]

**Severability**—1985 c 352: See note following RCW 10.05.010.

**RCW 66.28.170 Wine or malt manufacturers—Discrimination in price to purchaser for resale prohibited.** It is unlawful for a manufacturer of wine or malt beverages holding a certificate of approval issued under RCW 66.24.270 or 66.24.206, a brewer's license, or a domestic winery license to discriminate in price in selling to any purchaser for resale in the state. [1985 c 226 § 3.]

**RCW 66.28.180 Price modification by certain persons, firms, or corporations—Board notification and approval.** It is unlawful for a person, firm, or corporation holding a certificate of approval issued under RCW 66.24.270 or 66.24.206, a beer wholesaler's license, a brewer's license, a beer importer's license, a domestic winery license, a wine importer's license, or a wine wholesaler's license within the state of Washington to modify any prices without prior notification to and approval of the board. [1985 c 226 § 4.]

Honorable Robert J. Bryan

UNITED STATES DISTRICT COURT  
WESTERN DISTRICT OF WASHINGTON

COSTCO WHOLESALE CORPORATION, a  
Washington corporation,

Plaintiff,

-vs-

WASHINGTON STATE LIQUOR CONTROL  
BOARD; LOUIS H. PEDERSEN; KAZUO  
WATANABE; and ROBERT D. HANNAH,  
in their official capacities as  
members of the Liquor Control  
Board,

Defendants.

NO. C87-66 TB

AFFIDAVIT OF  
JANICE LEE BRITT

STATE OF WASHINGTON )  
County of Thurston ) ss.

Janice Lee Britt, being first duly sworn on oath,  
deposes and says:

1. I am the Supervisor of the Washington State  
Liquor Control Board's (Board's) Manufacturers  
Importers and Wholesalers (MIW) Division and,  
as such, I am charged with the responsibility for  
enforcing the state of Washington's liquor laws and  
the Board's regulations which specifically relate  
to non retail liquor licensees, and I have personal

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(206) 753-6283

1 knowledge of the facts contained in this affidavit  
2 and am competent to testify to them.

3 2. OVERVIEW

4 Price posting regulations were originally enacted  
5 by the Board as a part of its overall rulemaking author-  
6 ity (RCW 66.08.030). It is my understanding that the  
7 purpose of the price posting regulations is to ensure an  
8 orderly market of liquor (specifically beer and wine)  
9 products in the state of Washington in order to protect  
10 the public health, safety and welfare of the citizens of  
11 Washington. Part of the Board's responsibility is to  
12 ascertain that liquor is available on an equal basis to  
13 all eligible citizens of the state. This responsibility  
14 includes the charge that liquor is not available in  
15 excess to the point where the liquor is available more  
16 readily and easily and at lower prices than other  
17 beverage products.

18 When I refer to "price posting regulations" I am  
19 referring specifically to WAC 314-20-100. 314-20-105,  
20 314-24-190 and 314-24-200. These are the regulations  
21 the MIW Division is charged with supervising by the  
22 Board. The 1985 legislature enacted RCW 66.28.190  
23 (Chapter 226 - Laws of 1985) as further Board authority  
24

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1 for the supervision and regulation of the rules cited  
2 above.

3 In addition, WAC 314-52-114 regulates the sales of  
4 beer and wine at the retail level. The Enforcement  
5 Division of the Board along with the Advertising Coordi-  
6 nator supervise the enforcement of this regulation.

7 3. PRICE POSTINGS

8 Supplier price postings are due by the 25th of each  
9 month with an effective date of the 1st day of the 2nd  
10 calendar month following the filing and approval of the  
11 posting by the Board's MIW Division. Wholesale price  
12 posting are due by the 10th of each month with an  
13 effective date of the 1st day of the following month  
14 when approved by the Board's MIW Division. The rules  
15 provide for certain correction periods and exceptions.

16 MIW Division personnel work rigorously each month  
17 to review all price postings submitted in order to  
18 approve, disapprove, conditionally approve or allow for  
19 the exceptions provided for and return a copy to the  
20 supplier or wholesaler in time for the supplier or  
21 wholesaler to implement their sales period with properly  
22 approved prices.

23  
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- 1 a. Price posting forms received by the Board's mail  
2 room are opened, date stamped in and attached to  
3 their envelope before being delivered to the MIW  
4 Division. The date stamp is important in order to  
5 ensure the postings were submitted according to the  
6 deadlines given by rule and thus to ensure equal and  
7 fair treatment to all industry members affected.
- 8 b. When the posting forms are delivered to the MIW  
9 Division they are again checked for date stamps to  
10 make sure none have been missed in the mail room.
- 11 c. The posting forms are then delivered to MIW Division  
12 personnel as follows:
- 13 (1) The person in staff position number 1 receives all  
14 wine postings. This position is currently held by  
15 Ms. Cindy Doughty. *(As of 1-3-89 Monica Hautzenrader)*
- 16 (a) Ms. Doughty is assisted by the person in staff  
17 position number 2, Ms. Dodie Johnson. *(as of 1-3-89 Paula Fuller - 1/2 time)*
- 18 (b) Ms. Doughty and Ms. Johnson are assisted when  
19 time permits by the Division Secretary, Nancy  
20 Soderstrom.
- 21 (2) The beer price postings are forwarded to the person  
22 *(as of 12-1-88 - Marie Thomas)*  
23 in staff position number 3, Ms. Nancy Sauer. The  
24 administrative assistant for the division, Ms.

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- 1 Shirley Birkett directly reviews the work of Nancy  
2 Sauer and is available as a reference source for  
3 Cindy Doughty and will handle any unusual requests  
4 which Ms. Doughty receives and is unfamiliar with.  
5 d. The appropriate division personnel compare the price  
6 posting submitted with price postings currently on  
7 file.  
8 (1) Any change in price is annotated on the filing  
9 in red by a plus or minus mark with the amount  
10 by the person reviewing and comparing the price  
11 postings.  
12 (2) The person checking the price posting will also  
13 check to see if the supplier or distributor  
14 holds the appropriate Board license to sell the  
15 products they are posting prices to sell.  
16 (3) The person checking the price posting will check  
17 to see that the product is approved for sale in  
18 the state.  
19 (a) For beer this is done by a comparison of  
20 label name and container size with the beer  
21 labels and product approval on file.  
22 (b) For wine this is accomplished by verifying  
23 the chemical analysis number listed on the  
24

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1 price posting with analysis sheets and label  
2 approvals on file with the division.

3 (4) The person checking the price posting will check to  
4 see that the container size is a size authorized for  
5 sale by the Board.

6 (5) The person reviewing the price posting will also  
7 check to make sure the person or firm posting the  
8 prices of any product is a properly authorized  
9 distributor of the supplier.

10 (6) Some beer products are restricted in sales due to  
11 the size of their containers and whether or not the  
12 product is pasteurized. These products are condi-  
13 tionally approved for sale only in on-premise retail  
14 accounts which hold the proper liquor license to  
15 sale unpasteurized beer in containers of over 170  
16 ounces.

17 Occasionally products will have prices submitted  
18 while the label and product approval has not been  
19 obtained, but is in the process of being obtained.  
20 Those products with price postings submitted may be  
21 provisionally approved with a notation stamped on the  
22 posting to the effect that the prices are approved  
23 conditioned upon their receipt of label and product  
24

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1 approval and are not to be shipped or sold in the state  
2 until such approval is obtained.

3 Any requirement listed above which is not adequate-  
4 ly satisfied may result in the disapproval of the price  
5 posting, or of a particular product on a price posting  
6 form.

7 e. Any prices which show a marked decrease from previ-  
8 ously posted prices, or which show an unusual low  
9 price for a product of similar type will initiate an  
10 inquiry. The inquiry may be one of several options.

11 (1) A comparison may be made with the supplier's  
12 price posted to the wholesaler. If the price  
13 posted by the wholesaler does not meet the  
14 "acquisition cost plus 10% of acquisition cost"  
15 requirement, a phone contact will be made with  
16 the wholesaler. The wholesaler is given the  
17 option of explaining the discrepancy and showing  
18 that their price does cover the minimum markup  
19 as required, raising the price or having the  
20 price as posted disapproved. The wholesaler  
21 will normally raise the price to an acceptable  
22 level. The new price will be noted on the  
23 posting form by the MIW Division personnel and  
24

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1 initialed that a change was made. The wholesal-  
2 er will then send in an amended price posting or  
3 a letter confirming the change.

4 (2) If the price appears low to the person reviewing  
5 a supplier's price posting, a phone call or  
6 letter may be sent to the supplier asking for a  
7 breakdown on costs to manufacture the product  
8 which will show that the "acquisition cost plus  
9 10% of acquisition cost" requirement has been  
10 satisfied.

11 (3) If the price shows that it is below the require-  
12 ment set by rule, and the licensees cannot be  
13 contacted or refuses to raise the price to the  
14 required minimum level, the questioned item has  
15 a red line drawn through it and is marked  
16 "disapproved". Sometimes a disapproved stamp is  
17 used and sometimes the disapproved notation is  
18 handwritten.

19 f. Ms. Birkett reviews the work done by Ms. Sauer and  
20 approves or disapproves all beer price postings.  
21 Ms. <sup>Houghtsinger</sup> Doughty reviews the work done by Ms. Johnson and  
22 Ms. Soderstrom and approves or disapproves all wine  
23 price postings. In the absence of either Ms.

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1 Birkett or Ms. Doughty, other division personnel may  
2 be delegated the authority to approve the price  
3 postings.

- 4 g. Once a price posting has been approved, conditional-  
5 ly approved, or disapproved a copy of it is returned  
6 to the supplier or wholesaler for their information  
7 and file. A copy is also kept on file with the  
8 Board and is subject to examination by the public.

9 4. PUBLIC POLICY AND INFORMATION

10 In order to ensure that the non-retail liquor  
11 industry has adequate and current information regarding  
12 the Board's rules, specifically as the rules relate to  
13 price posting requirements the MIW Division has taken  
14 several specific steps in the previous 2 years.

- 15 a. The MIW Division has created a sound - slide syn-  
16 chronized program to educate non-retail liquor  
17 licensees regarding the liquor laws and regulations  
18 applicable to them.
- 19 b. The MIW Division has implemented a new briefing list  
20 of statutes and regulations the MIW field officers  
21 review with non-retail liquor licensees when their  
22 license is delivered which includes information on  
23 price posting regulations and product certification.

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1 c. The MIW Division issues bulletins regarding informa-  
2 tion that applies to non-retail licensees on the  
3 average of once a month. These information bulle-  
4 tins are published in the Washington Beer and Wine  
5 Wholesalers Association monthly newsletter and are  
6 also distributed on the basis of a mailing list of  
7 interested persons as well as being sent out direct-  
8 ly to licensees either through a direct mailing or  
9 by enclosing the bulletins in with price posting  
10 forms which are being returned to licensees.

11 5. COMPLAINTS

12 MIW Division field enforcement officers periodical-  
13 ly respond to complaints that non-retail licensees are  
14 selling at prices below the requirement provided by  
15 rule. These complaints are handled according to the  
16 Board's and the Division's stated policy of preventive  
17 enforcement. These complaints can be initiated by Board  
18 personnel or any member of the public or industry who  
19 sees and reports a questionable price to the Board.

20 During fiscal year 1987 five complaints of sales  
21 below cost were investigated and concluded by MIW  
22 Division personnel.

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1 MIW Division personnel will assist personnel from  
2 the Board's Enforcement Division when the Enforcement  
3 Division personnel are checking for violation of retail  
4 sales below cost. This assistance is mainly restricted  
5 to researching the posted price for a particular whole-  
6 saler who serves the retail outlet in question, and  
7 forwarding a photo copy of the price posting sheet as  
8 approved to the Enforcement Division. The assistance  
9 may extend to checking sales invoices of wholesalers to  
10 retailers and forwarding that information on to the  
11 Enforcement Division. No record is maintained of the  
12 number of assists provided to the Enforcement Division.

13 6. SUMMARY

14 During fiscal year 1987, the MIW Division reviewed  
15 32,301 pages of wine price postings and 6,975 pages of  
16 beer price postings. Up to 17 brands and 42 container  
17 sizes can be listed on beer posting forms. Up to 11  
18 brands and 15 container sizes can be listed on wine  
19 posting forms.

20 The Board, through the MIW Division, continues to  
21 actively review, work up and approve or disapprove all  
22 prices submitted by non-retail licensees in order to  
23 ensure an orderly and temperate flow of safe liquor  
24

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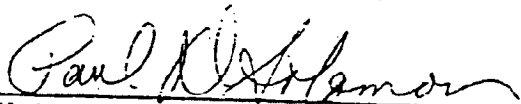
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1 products through the market place to the citizens of  
2 Washington.

3  
4  
5   
Janice Lee Britt

6 SUBSCRIBED AND SWORN TO Before me this 23<sup>rd</sup> day of November,  
7 1987.

8   
9 Notary Public in and for the State  
10 of Washington, resideing at Lacey

11 Appointment expires: 8/20/91

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TX079\_014



STATE OF  
WASHINGTON

LIQUOR CONTROL BOARD  
**INTER-OFFICE  
CORRESPONDENCE**

DISTRIBUTION

City: Olympia

Date: February 24, 1989

To: Jan Britt, Supervisor, MIW Division

From: Shirley Birkett, Administrative Assistant, Regulatory Section

Subject: Wine and Beer Price Posting Briefing for March 14, 1989

The following information is provided to you as background for beer and wine price postings. WAC 314-24-190 and WAC 314-24-200 regulates wine price postings and WAC 314-20-100 and WAC 314-20-105 regulates beer price postings. During 1988 fiscal year 40,501 pages of beer and wine price postings were processed by the Regulatory Section.

RCW 66.28.010, the "Tied-House" statute, specifically separates manufacturers and wholesalers from retail licensees, forbidding any direct or indirect advances of money or moneys' worth to such retailers other than under specifically stated exceptions. RCW 66.28.180, requires notification to and approval of the Board prior to any price change.

The Board is legally charged with the responsibility of controlling the traffic in all alcoholic beverages within the state. Beer and wine is controlled by the MIW Division through the administration of the three-tier system, manufacturer-wholesaler-retailer, as spirituous liquor is controlled through the merchandising services of the Board. Price postings provide an effective method of regulating the beer and wine industry without the so-called "price fixing" element. The present price market for liquor products is very competitive while still allowing for some restraints on a unique, controlled product.

In 1977, the Federal Trade Commission petitioned the Board to repeal all rules that imposed any type of regulation of beer and wine pricing. It was concluded that though the regulations would not be repealed in their entirety, there would be some changes initiated to the pricing regulations. One of the more significant changes permits temporary price reductions. The Board instructed the MIW Division staff to continue to actively monitor price postings. The beer and wine postings have continued to be reviewed, problems resolved, disapproved when necessary and approved. Because price postings are available and open to public review, the market becomes self-monitoring and orderly, preventing costly investigations. Also, the Regulatory Section of the MIW Division works closely with the Financial Division to provide information from the pricing program to assist them in the audit process.

In the past years there have been numerous changes to the WAC's affecting the price filings. All of the changes have been in response to the industry. I feel that the Liquor Control Board has met the needs of the industry in providing the state of Washington with an orderly beer and wine market through the pricing program.

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The review process by MIW staff includes:

1. Ensuring the manufacturer and/or wholesaler is properly licensed.
2. Approval of label/product.
3. Authorized package sizes.
4. Pricing within guidelines of 10% above cost of acquisition.
5. Orderly market maintained by monitoring changes of distributors.

SB:jr:2.125-126

## SURVEY RESULTS

### FROM "POST OFF/POSTING PERIOD" SURVEY OF 5-20-85

On May 20, 1985, the M.I.W. Division sent a short survey to approximately 329 breweries, wineries and beer/wine wholesalers asking for their input on lengthening the time periods for post offs and posting reports.

Responses were received from 215 businesses with some remarks in writing addressing a variety of issues. The results of the survey are as follows:

POST SURVEY  
July 27, 1985

Page 2

MAY 20, 1985

TO ALL WASHINGTON WINERIES, BREWERIES AND BEER AND WINE  
WHOLESALEERS:

IT HAS BEEN SUGGESTED BY MEMBERS OF THE INDUSTRY THAT A  
CHANGE IN THE POST OFF EFFECTIVE PERIOD BE CONSIDERED BY THE  
LIQUOR CONTROL BOARD.

WOULD YOU SUPPORT EXTENDING THE POST OFF EFFECTIVE TIME FOR  
90 DAYS, 180 DAYS, OR DO YOU WISH TO HAVE IT REMAIN 30 DAYS?

PLEASE RESPOND AS SOON AS POSSIBLE TO: JAN BRITT,  
MIW SUPERVISOR  
W.S.L.C.B.  
CAPITAL PLAZA BUILDING  
OLYMPIA, WA 98504

76	30	DAYS
17	60	DAYS
43	90	DAYS
<u>67</u>	180	DAYS
TOTAL	203	

SUGGESTIONS: (see separate section on "Remarks".)

WOULD YOU SUPPORT A SIMILAR CHANGE FOR EVERYDAY POSTINGS?

<u>      </u> YES	118	30	DAYS
	5	60	DAYS
<u>      </u> NO	31	90	DAYS
	<u>33</u>	180	DAYS
TOTAL	187		

Note: the "Yes" and "No" responses were correlated with the  
first question relating to the number of days for post offs. As  
several people wrote in "60 days", that time period was added to  
the survey results.

Not everyone responded to every question. Some responses were in  
written letters and did not answer the survey itself. Written  
responses are summarized in the pages titled "REMARKS".

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TX079\_018

## TX079 019

shorten the period of time for postings where sub-jobbers are involved. Ditto. Shorten notice time.

90 Days is a great idea for wine!!! It is not as much a problem area on beer, but we would support 90 days beer if it had to be the same period for beer and wine.

Please eliminate post offs. Ditto. Ditto. Ditto.

We feel that 30 days is not enough time to use post-offs effectively. 180 days is too long.

Discontinue lab testing.

Why change everyday posting periods. My everyday postings stay in effect until I change them. I have prices that have been the same for 2 years. I would like the choice of 30-60 days. If I had the choice of 30-60-90-180 days post off is I would be in serious trouble because I would be locked into a long post-off price to the consumer. My supply would dwindle and the consumer would not buy the wine on regular price.

Eliminate price postings. Ditto - price postings should be abandoned entirely. That is the system in two major wine markets..California and Colorado. Ditto. Ditto.

Yes, please!! 90 days!! Labor is killing us.

Allow each brand to only post-off 1 (one) item at a time. Post offs to start 1st of the month and end at the end of the month.

I feel wholesalers need the flexibility to change prices as their individual financial needs require. Locking permanent pricing to an extended period could feasibly place a wholesaler in a financial squeeze that could be damaging to the longevity of the business.

Go to 15 day post offs or leave alone. Would fight any extension beyond 30 days. Ditto - we need a shorter posting time, i.e. 15 days. Ditto.

We would like to support even less or not time frame; this would allow more flexibility in marketing which is in everyone's best interest.

180 days. I feel this would slow post offs considerably and save Liquor Board and wholesalers a lot of time and money.

Eliminate affirmation. (Note: 1985 Legislature eliminated affirmation for beer and wine effective July 30, 1985.)

Allow post off prices only during the post off period or eliminate the post off situation all together to help the smaller store to ward off unfair pricing by the large chain stores. The

shorten the period of time for postings where sub-jobbers are involved. Ditto. Shorten notice time.

90 Days is a great idea for wine!!! It is not as much a problem area on beer, but we would support 90 days beer if it had to be the same period for beer and wine.

Please eliminate post offs. Ditto. Ditto. Ditto.

We feel that 30 days is not enough time to use post-offs effectively. 180 days is too long.

Discontinue lab testing.

Why change everyday posting periods. My everyday postings stay in effect until I change them. I have prices that have been the same for 2 years. I would like the choice of 30-60 days. If I had the choice of 30-60-90-180 days post off is I would be in serious trouble because I would be locked into a long post-off price to the consumer. My supply would dwindle and the consumer would not buy the wine on regular price.

Eliminate price postings. Ditto - price postings should be abandoned entirely. That is the system in two major wine markets..California and Colorado. Ditto. Ditto.

Yes, please!! 90 days!! Labor is killing us.

Allow each brand to only post-off 1 (one) item at a time. Post offs to start 1st of the month and end at the end of the month.

I feel wholesalers need the flexibility to change prices as their individual financial needs require. Locking permanent pricing to an extended period could feasibly place a wholesaler in a financial squeeze that could be damaging to the longevity of the business.

Go to 15 day post offs or leave alone. Would fight any extension beyond 30 days. Ditto - we need a shorter posting time, i.e. 15 days. Ditto.

We would like to support even less or not time frame; this would allow more flexibility in marketing which is in everyone's best interest.

180 days. I feel this would slow post offs considerably and save Liquor Board and wholesalers a lot of time and money.

Eliminate affirmation. (Note: 1985 Legislature eliminated affirmation for beer and wine effective July 30, 1985.)

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post off situation is a legal loop hole that is being misused by the larger stores and chains to help eliminate small stores.

Something has to be done to try and curb these post offs. The suppliers are the ones that benefit. We get the work. If we can't stop them at least put a limit on how many each supplier can post off. This way of selling our products is getting way out of line. My opinion is the limit should be set at two for manufacturers. It would be nice to run our own businesses again.

The primary reason for price postings is to provide enforcement agencies with a document trail for the purpose of investigating possible improper pricing practices. We strongly favor a totally open posting period selected by each wholesaler, based upon his needs. A less flexible pricing system denies the distributor the ability to adjust to changing market conditions in a timely manner.

I would be very much opposed to extending temporary pricing beyond the current thirty day time frame. Post off activity is the only marketing tool that temporarily enhances a products price to the retail trade.

30 days would be the maximum accepted. We will lose the ability to market our products and react to competition if minimum time was 90 days or more.

Resp to Costco RFP  
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